

FILED
JAMES BONINI
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO 2008 JAN 22 PM 5:37
WESTERN DIVISION

UNITED STATES OF AMERICA

:

CASE NO.

v.

:

(1) PHILLIP ROTH

:

and

:

(2) BEVERLY ROTH

:

:

INDICTMENT

18 U.S.C. § 2

18 U.S.C. § 371

18 U.S.C. § 1955

18 U.S.C. § 1956(a)(1)(A)(I)

18 U.S.C. § 1956(a)(1)(B)(I)

18 U.S.C. § 1956(h)

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIV. DAYTON

3:08 cr 0010

THOMAS M. ROSE

THE GRAND JURY CHARGES THAT:

COUNT 1

1. Between an exact beginning date unknown, but at least by 1977, and in or about 2003, in the Southern District of Ohio and elsewhere, **PHILLIP ROTH** and **BEVERLY ROTH**, the defendants, did conspire with Robert Roth, each other and other persons, whose names are both known and unknown, to commit knowingly the following offense against the United States, to wit: to conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, in violation of 18 U.S.C. § 1955.

OBJECT OF THE CONSPIRACY

Throughout the course of this conspiracy the object thereof was to generate proceeds from the operation of electronic games of chance in violation of federal and Ohio gambling laws.

THE MANNER AND MEANS

2. To accomplish these objectives, defendants, **PHILLIP ROTH** and **BEVERLY ROTH**, together with co-conspirator Robert Roth, and other unnamed co-conspirators, both known and unknown, used the following means and acted in the following manner, among others:

- a. It was a part of the conspiracy that on or about November 23, 1973, Robert Roth formed an Ohio corporation known as KAMCAF, Inc., purportedly an amusement games/vending machines business. This corporation operated primarily from Robert Roth's residence which initially was located at 657 McBee Road, Bellbrook, Ohio, and then later at 620 McBee Road, Bellbrook, Ohio.
- b. It was further part of the conspiracy that Robert Roth established KAMCAF, Inc., bank accounts at Bank One, account # XXXXX1880, and Fifth Third Bank, account # XXXX2121.
- c. It was further part of the conspiracy that in or about 1973, in the Southern District of Ohio, Robert Roth began placing coin-operated gambling machines at private, veterans' social clubs throughout Greene County, Ohio and surrounding areas. In exchange for allowing Robert Roth to place and operate the gambling machines at their clubs, the proprietors received a percentage of the gambling proceeds generated through the patrons' use of the machines.
- d. It was further part of the conspiracy that defendants **PHILLIP ROTH** and **BEVERLY ROTH**, assisted Robert Roth with his illegal gambling business by performing a variety of tasks. **PHILLIP ROTH's** primary role was to service

and repair the gambling machines as needed. At the direction of Robert Roth, **PHILLIP ROTH** routinely ordered, accepted delivery of, and transported gambling machines and machine parts. Further, defendants **PHILLIP ROTH**, **BEVERLY ROTH**, and other individuals, deposited the illegal gambling proceeds derived from the private clubs, into the KAMCAF, Inc., bank accounts that had been established by Robert Roth.

- e. It was further part of the conspiracy that on or about November 28, 1994, Robert Roth expanded his illegal gambling business by forming an Ohio corporation known as Coldwell Services, Inc. Defendant **PHILLIP ROTH** was the acting agent of Coldwell Services, Inc. On or about December 14, 1994, the defendant **PHILLIP ROTH**, at the direction of Robert Roth, and using illegal gambling proceeds derived from the gambling operation at the private clubs, purchased a duplex property located at 3973-3975 Rockfield Drive, Beavercreek, Ohio.
- f. It was further part of the conspiracy that in or about 1995, Robert Roth, with the assistance of defendant **PHILLIP ROTH**, opened an illegal gambling casino at 3973 Rockfield Drive, Beavercreek, Ohio, which together with defendant **BEVERLY ROTH**, they kept in continuous operation until January 14, 2003.
- g. It was further part of the conspiracy that defendants **PHILLIP ROTH** and **BEVERLY ROTH**, together with Robert Roth and other individuals, whose identities are both known and unknown, did, in the above-manner and using the above means, among others, operate an illegal gambling business, which said business was comprised of the gambling machines operating at the veterans' private clubs, as well as the casino operating at 3973 Rockfield Drive,

Beavercreek, Ohio, for their personal benefit and profit in violation of Chapter 2915, Ohio Revised Code, which illegal gambling business involved five or more people, who did conduct, finance, manage, supervise, direct, and own all of part of said business, which was in substantially continuous operation for a period in excess of thirty days, and which had gross revenue of \$2,000 in any single day, and further conducted financial transactions with the proceeds generated by the illegal gambling business which promoted the carrying on of the illegal gambling business.

OVERT ACTS

In furtherance of said conspiracy, and in order to effect the objects thereof, in the Southern District of Ohio and elsewhere, the defendants, **PHILLIP ROTH** and **BEVERLY ROTH**, and Robert Roth, and others, committed at least one of the following overt acts, among others:

1. On or about November 23, 1973, Robert Roth established KAMCAF, Inc., naming himself as president.
2. Between approximately 1977 and February 2003, in the Southern District of Ohio, Robert Roth, and/or defendant **PHILLIP ROTH**, placed, operated and/or maintained gambling machines in various private veterans' clubs located throughout Montgomery, Greene, and other Ohio counties.
3. Between approximately 1977 and 2003, in the Southern District of Ohio, defendant **PHILLIP ROTH** collected gambling proceeds generated by the illegal gambling machines operating at the various private clubs.
4. Between approximately 1977 and 2003, in the Southern District of Ohio, defendants **PHILLIP ROTH** and **BEVERLY ROTH**, and co-conspirator Robert Roth and others, both known and unknown, deposited illegal gambling proceeds into KAMCAF, Inc., Bank One account, #XXXXXX1880, Fifth Third Bank account #XXXXX2121.

5. On or about November 28, 1994, in the Southern District of Ohio, Robert Roth established Coldwell Services, Inc., a purported real estate business. In the Articles of Incorporation filed with the Ohio Secretary of State, Robert Roth identified the defendant **PHILLIP ROTH** as the agent of the corporation, and himself as president.
6. On or about December 14, 1994, defendant **PHILLIP ROTH**, acting as agent of Coldwell Services, Inc., purchased a residential duplex property located at 3973-3975 Rockfield Drive, Beavercreek, Ohio purportedly to operate a business named "Bev's Boutique". The property was purchased using illegal gambling proceeds that had been provided by Robert Roth.
7. On or about January 1, 1995, defendant **PHILLIP ROTH**, acting on behalf of Coldwell Services, signed a leasing contract for the 3973 Rockfield Drive property with KAMCAF. Inc., through its president, Robert Roth.
8. On or about August 30, 1995, defendant **BEVERLY ROTH**, signed an employment agreement with Coldwell Services, and agreed to manage the illegal casino at 3973 Rockfield Drive, Beavercreek, Ohio.
9. Between in or about 1995 and 2003, defendants **PHILLIP ROTH** and **BEVERLY ROTH**, together with Robert Roth and other individuals both known and unknown, operated an illegal gambling casino at 3973 Rockfield Drive, Beavercreek, Ohio which generated approximately \$1,474,252 in gambling proceeds.
10. Between in or about 1977 and March, 2003, defendants **PHILLIP ROTH** and **BEVERLY ROTH**, together with Robert Roth and more than three other individuals, both known and unknown, operated an illegal gambling business in the Southern District of Ohio, which remained in continuous operation for more than thirty days, and which generated \$2,000 or more gross revenue on at least one day during the conspiracy.

All in violation of Title 18, United States Code § 371.

COUNT 2

1. Paragraphs 1 and 2, including 2 a through g, of Count 1 of this Indictment are hereby realleged and incorporated herein by reference as if fully set forth here.
2. Beginning approximately between December, 1977, and continuing thereafter to 2003, in the Southern District of Ohio, **PHILLIP ROTH** and **BEVERLY ROTH**, the

defendants, did conspire with Robert Roth and other persons, whose names are both known and unknown, to commit knowingly the following offenses against the United States, to wit:

- a. to conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, to wit, financial transactions in Dayton, Ohio involving the deposit of monetary instruments into accounts at and involving the use of, among others, National City Bank, Huntington National Bank, Fifth Third Bank, U.S. Bank, and PNC Bank, financial institutions which were engaged in and the activities of which affected interstate and foreign commerce, which involved the proceeds of specified unlawful activity, that is a violation of 18 U.S.C. § 1955, with the intent to promote the carrying on of the aforesaid specified unlawful activity, and while conducting and attempting to conduct such financial transactions knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(A)(I).
- b. to conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, to wit, financial transactions in Dayton, Ohio, involving the deposit of monetary instruments into accounts at and involving the use of, among others, National City Bank, Huntington National Bank, Fifth Third Bank, U.S. Bank, and PNC Bank, financial institutions which were engaged in and the activities of which affected interstate and foreign commerce, which involved the proceeds of specified unlawful activity, that is a violation of 18 U.S.C. § 1955, knowing that the transactions were designed in whole or in part to conceal or disguise the nature, the location, the source, the ownership, and the control of the

proceeds of specified unlawful activity, that is a violation of 18 U.S.C § 1955, in violation of 18 U.S.C. § 1956(a)(1)(B)(I).

OBJECT OF THE CONSPIRACY

Throughout the course of this conspiracy the object thereof was to use illegal gambling proceed to operate, maintain and expand Robert Roth's illegal gambling business.

THE MANNER AND MEANS

3. To accomplish these objectives, **PHILLIP ROTH, BEVERLY ROTH**, Robert Roth, and unnamed co-conspirators, both known and unknown, used the following means and acted in the following manner, among others:

- a. It was a part of the conspiracy that on or about November 23, 1973, Robert Roth formed an Ohio corporation known as KAMCAF, Inc., purportedly an amusement games/vending machines business.
- b. It was further part of the conspiracy that in or about 1973, in the Southern District of Ohio, Robert Roth under the veil of KAMCAF, Inc., began placing gambling machines at private social clubs throughout Greene County, Ohio and the surrounding areas. Throughout the period of the conspiracy, Robert Roth worked with **PHILLIP ROTH, BEVERLY ROTH**, family members, friends, and the proprietors of the private clubs to operate and maintain these gambling machines which were used by patrons of the clubs.
- c. It was further part of the conspiracy that Robert Roth, opened bank accounts at various institutions under KAMCAF, Inc., as well as personal accounts. Robert Roth then deposited proceeds derived from his gambling

business which initially consisted of gambling machines operating at private social clubs, and used said proceeds to maintain and expand his illegal gambling operation.

- d. It was further part of the conspiracy that on or about November 28, 1994, Robert Roth formed an Ohio corporation known as Coldwell Services, Inc. and named his son, **PHILLIP ROTH**, the defendant, as the agent of the corporation in its articles of incorporation. Under the direction of Robert Roth, **PHILLIP ROTH** the defendant, used gambling proceeds provided by Robert Roth and which were contained in KAMCAF, Inc. bank accounts, to purchase a multi-unit residence located at 3973-3975 Rockfield Drive, Beavercreek, Ohio.
- e. It was further part of the conspiracy that on or about January 1, 1995, **PHILLIP ROTH**, signed a leasing contract on behalf of Coldwell Services, Inc. as lessor, whereby KAMCAF, Inc. leased the property at 3973 Rockfield Drive for an annual rent of \$12,000.
- f. It was further part of the conspiracy that in or about January, 1995, Robert Roth, with the help of the defendants, **PHILLIP ROTH**, and **BEVERLY ROTH**, and other individuals, operating through Coldwell Services, Inc. and using proceeds generated from the gambling machines operating at private social clubs, expanded his gambling enterprise by opening an illegal gambling establishment at 3973 Rockfield Drive, Beavercreek, Ohio. Defendants **PHILLIP ROTH** and **BEVERLY ROTH**, together with Robert Roth, used and caused to be used gambling proceeds from the

KAMCAF bank accounts to open and maintain the 3973 Rockfield Drive gambling business.

- g. It was further part of the conspiracy that the defendants **PHILLIP ROTH** and **BEVERLY ROTH**, would collect and deposit gambling proceeds derived from the Rockfield Drive gambling establishment into various bank accounts, which were used to pay the operating expenses of said business.
- h. It was further part of the conspiracy that defendants, **PHILLIP ROTH** and **BEVERLY ROTH**, together with Robert Roth and other individuals whose identities are both known and unknown, did, in the above-manner and using the above means, among others, conduct financial transactions with the proceeds generated by the illegal gambling business which promoted the carrying on of the illegal gambling business and were designed, at least in part, to conceal or disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity.

In the above manner, defendants, **PHILLIP ROTH** and **BEVERLY ROTH**, together with Robert Roth, and other individuals whose names are both known and unknown, deposited and used gambling proceeds totaling in excess of \$26,000,000 and used portions thereof to operate and expand Robert Roth's gambling business.

OVERT ACTS

In furtherance of said conspiracy, and in order to effect the objects thereof, in the Southern District of Ohio and elsewhere, defendants, **PHILLIP ROTH** and **BEVERLY ROTH**, together with Robert Roth and other co-conspirators, committed at least one of the following overt acts, among others:

1. The overt acts contained in Paragraphs 1-10 of Count 1 of this Indictment are hereby realleged and incorporated herein by reference as if fully set forth here.
2. Between on or about August 30, 1995 and January 14, 2003, the defendant, **BEVERLY ROTH** managed the day to day operations of the illegal gambling casino at 3973 Rockfield Drive. The defendant, **BEVERLY ROTH** handled all personnel related issues including but not limited to recruiting and hiring employees, organizing the work schedules of said employees, and payroll.
3. Between approximately 1995 and 2003, in the Southern District of Ohio, defendant, **BEVERLY ROTH** and Robert Roth paid more than \$127,157 in wages to individuals they had hired to work at the gambling establishment at 3973 Rockfield Drive. Said wages were paid using the gambling proceeds collected from the illegal casino.
4. Between 1995 and January, 2003, the defendant, **PHILLIP ROTH** maintained and serviced the gambling machines at 3973 Rockfield Drive performing such tasks as collecting proceeds, ordering gambling machines and parts, and repairing the machines as needed.
5. Between approximately 1995 and 2003, in the Southern District of Ohio, defendants, **PHILLIP ROTH** and **BEVERLY ROTH**, and Robert Roth and other individuals known and unknown, deposited or caused to be deposited, approximately \$1,474,252 in gambling proceeds derived from the illegal gambling establishment operating at 3973 Rockfield Drive, Beavercreek, Ohio, into various bank accounts including KAMCAF, Inc. and Coldwell Services, Inc. Bank accounts.

All in violation of Title 18, United States Code § 1956(h).

FORFEITURE ALLEGATION RELATING TO COUNT 1 AS TO PHILLIP ROTH

Upon conviction of the gambling violation of 18 U.S.C. § 1955(a), as alleged in Count 2 the Defendant, Phillip Roth shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)© and 28 U.S.C. § 2461©, all property, real or personal, which constitutes or is derived from proceeds traceable to a "specified unlawful activity" including 18 U.S.C. § 1955(a) (Illegal Gambling Businesses), or a conspiracy to commit such offense, and shall forfeit pursuant to 18 U.S.C. § 1955(d) any and all property, including money, used in violation of 18 U.S.C. § 1955, including but not limited to:

1. 3953 Dayton-Xenia Road, Beavercreek, Ohio 45432 and being more fully described as follows: Situated in the City of Beavercreek, Greene County, Ohio, and being all of Lot Two Hundred Thirteen (213) of Knollwood Estates, as the same is numbered, designated and known on the recorded plat of said Estates in Plat Book 2, Page 182, Plat Records of Greene County, Ohio.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- © has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without

difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property.

FORFEITURE ALLEGATION RELATING TO COUNT 2 AS TO PHILLIP ROTH

Upon conviction of the money laundering violation of 18 U.S.C. § 1956 alleged in Count 1, the defendant, Phillip Roth, shall forfeit to the United States pursuant to 18 U.S.C.

§982(a)(1), all right, title and interest in any and all property, real or personal involved in such offense and all property traceable to such property including but not limited to:

1. 3953 Dayton-Xenia Road, Beavercreek, Ohio 45432 and being more fully described as follows: Situated in the City of Beavercreek, Greene County, Ohio, and being all of Lot Two Hundred Thirteen (213) of Knollwood Estates, as the same is numbered, designated and known on the recorded plat of said Estates in Plat Book 2, Page 182, Plat Records of Greene County, Ohio.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without

difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property.

FORFEITURE ALLEGATION RELATING TO COUNT 1 AS TO BEVERLY ROTH

Upon conviction of the gambling violation of 18 U.S.C. § 1955(a), as alleged in Count 2, the Defendant, **BEVERLY ROTH** shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)© and 28 U.S.C. § 2461©, all property, real or personal, which constitutes or is derived from proceeds traceable to a "specified unlawful activity" including 18 U.S.C. § 1955(a) (Illegal Gambling Businesses), or a conspiracy to commit such offense, and

shall forfeit pursuant to 18 U.S.C. § 1955(d) any and all property, including money, used in violation of 18 U.S.C. § 1955, including but not limited to:

1. 3904 Summit Ridge Drive, Beavercreek, Ohio and being more fully described as follows: Situate in the City of Beavercreek, County of Greene, State of Ohio and Being Unit Three (3), Building #14 Summit Ridge Condominium Phase Eleven as Recorded in Plat Book 2, Pages 116 through 122 of the Condominium Book Records of Greene County, Ohio, the Declaration of which is recorded in Official Records Volume 520, page 234; and an Amendment To Declaration of Condominium Owners for Summit Ridge Condominium recorded in Official Records Volume 525, Page 558; and a Second Amendment to Declaration of Condominium recorded in Official Records Volume 539, Page 499; and a Third Amendment to the Declaration of Condominium recorded in Official Records Volume 559, Page 705; and a Fourth Amendment to the Declaration of Condominium and recorded in Official Records Volume 573, Page 134; and a Fifth Amendment to the Declaration of Condominium recorded in Official Records Volume 586, Page 556 and a Sixth Amendment to the Declaration of Condominium recorded in Official Records Volume 597, Page 412; and a Seventh Amendment to the Declaration of Condominium recorded in Official Records Volume 619, Page 583; and an Eighth Amendment to the Declaration of Condominium, recorded in Official Records Volume 625, Page 689 and a Ninth Amendment to the Declaration of Condominium recorded in Official Records Volume 637, Page 559, and a Tenth Amendment to Declaration recorded in Official Records Volume 665, Page 171, and a Eleventh Amendment recorded in Official Records Volume 687, Page 380, and a Twelfth Amendment recorded in Official Records Volume 693, Page 165; the plats of which are recorded in Condominium Book 2, Pages 37 through 46; Condominium Book 2, Pages 47,48,49,50,51 and 52; Condominium Book 2, Pages 53,54,55,56,57 and 58 and Condominium Book 2, Pages 65 through 70; Condominium Book 2, Pages 71 through 77; Condominium Book 2, Pages 78 through 89; and Condominium Book 2, Pages 85 through 90; Condominium Book 2, Pages 91 through 97; Condominium Book 2, Pages 98 through 103; and Condominium Book 2, Pages 105 through 115; Condominium Book 2, Pages 116 through 122 and Condominium Book 2, Pages 123 through 128 all of Greene County Records, together with an undivided common ownership in the common areas and facilities as defined in the Declaration of Condominium Ownership as an appurtenance to the above described unit;
2. 1995 Red Lexus SC 400, VIN #JT8UZ30C4S0044605;
3. Huntington Bank Account #*****3299 in the name of **BEVERLY ROTH**.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- © has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without

difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property.

FORFEITURE ALLEGATION RELATING TO COUNT 2 AS TO BEVERLY ROTH

Upon conviction of the money laundering violation of 18 U.S.C. § 1956 alleged in Count 1, the Defendant, **BEVERLY ROTH**, shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(1), all right, title and interest in any and all property, real or personal, involved in such offense and all property traceable to such property, including but not limited to:

1. 3904 Summit Ridge Drive, Beavercreek, Ohio and being more fully described as follows: Situate in the City of Beavercreek, County of Greene, State of Ohio and Being Unit Three (3), Building #14 Summit Ridge Condominium Phase Eleven as Recorded in Plat Book 2, Pages 116 through 122 of the Condominium Book Records of Greene County, Ohio, the Declaration of which is recorded in Official Records Volume 520, page 234; and an Amendment To Declaration of Condominium Owners for Summit Ridge Condominium recorded in Official Records Volume 525, Page 558; and a Second Amendment to Declaration of Condominium recorded in Official Records Volume 539, Page 499; and a Third Amendment to the Declaration of Condominium recorded in Official Records Volume 559, Page 705; and a Fourth Amendment to the Declaration of Condominium and recorded in Official Records Volume 573, Page 134; and a Fifth Amendment to the Declaration of Condominium recorded in Official Records Volume 586, Page 556 and a Sixth Amendment to the Declaration of Condominium recorded in Official Records Volume 597, Page 412; and a Seventh Amendment to the Declaration of Condominium recorded in Official Records Volume 619, Page 583; and an Eighth Amendment to the Declaration of Condominium, recorded in Official Records Volume 625, Page 689 and a Ninth Amendment to the Declaration of Condominium recorded in Official Records Volume 637, Page 559, and a Tenth Amendment to Declaration recorded in Official Records Volume 665, Page 171, and a Eleventh Amendment recorded in

Official Records Volume 687, Page 380, and a Twelfth Amendment recorded in Official Records Volume 693, Page 165; the plats of which are recorded in Condominium Book 2, Pages 37 through 46; Condominium Book 2, Pages 47,48,49,50,51 and 52; Condominium Book 2, Pages 53,54,55,56,57 and 58 and Condominium Book 2, Pages 65 through 70; Condominium Book 2, Pages 71 through 77; Condominium Book 2, Pages 78 through 89; and Condominium Book 2, Pages 85 through 90; Condominium Book 2, Pages 91 through 97; Condominium Book 2, Pages 98 through 103; and Condominium Book 2, Pages 105 through 115; Condominium Book 2, Pages 116 through 122 and Condominium Book 2, Pages 123 through 128 all of Greene County Records, together with an undivided common ownership in the common areas and facilities as defined in the Declaration of Condominium Ownership as an appurtenance to the above described unit;

2. 1995 Red Lexus SC 400, VIN #JT8UZ30C4S0044605;
3. Huntington Bank Account #*****3299 in the name of **BEVERLY ROTH**.

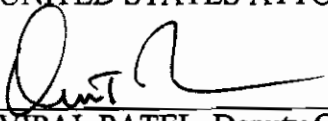
If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without

difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property.

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FOREPERSON

GREGORY G. LOCKHART
UNITED STATES ATTORNEY


VIPAL PATEL, Deputy Chief
Criminal Division